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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/849,786  | 05/04/2001  | James M. Cisar       | 72255/11265         | 8858             |
| 23380   | 7590        | 03/11/2005           | EXAMINER            |                  |
| TUCKER, ELLIS & WEST LLP<br>1150 HUNTINGTON BUILDING<br>925 EUCLID AVENUE<br>CLEVELAND, OH 44115-1475 |             |                      | GANTT, ALAN T       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2684                |                  |

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/849,786

Applicant(s)

CISAR, JAMES M.

Examiner

Alan T. Gantt

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14 and 16-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 11/12/04 have been fully considered but they are not persuasive. Applicant has amended independent claims 1 and 13 to overcome the Bodnar reference. Thus, a new reference is introduced that meets the claim language of these independent claims.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 9, 10, 13, 14, 16, 17, 21, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Tom.

Regarding claim 1, Tom discloses a wireless communication system including flexible wireless handsets and modular components selected for operation within multiples system and having multiple protocols (col. 11, lines 25-48). Thus, Tom meets the limitations for a communications module comprising;

a first section for processing data in accordance with at least a first communication standard, wherein processing data in accordance with at least a first communication standard includes at least one of modulating and demodulation the data; (col. 26, lines 8-53, col. 5, lines 27-51, and col. 6, lines 29-54) and

a second section for transmitting and receiving data via an antenna in accordance

Art Unit: 2684

with the first communication standard, said second section detachable from the first section, wherein said second section is replaceable with a third section for transmitting and receiving data via an antenna in accordance with a second communication standard. (col. 26, lines 8-53, col. 5, lines 27-51, and col. 6, lines 29-54)

Regarding claim 13, Tom discloses a wireless communication system including flexible wireless handsets and modular components selected for operation within multiples system and having multiple protocols (col. 11, lines 25-48). Thus, Tom meets the limitations for a communications module comprising;

a first section including means for processing data in accordance with at least a first communication standard, wherein processing data in accordance with at least a first communication standard includes at least one of modulating and demodulation the data; (col. 26, lines 8-53, col. 5, lines 27-51, and col. 6, lines 29-54) and

a second section including means for transmitting and receiving data via an antenna in accordance with the first communication standard, said second section detachable from the first section, wherein said second section is replaceable with a third section for transmitting and receiving data via an antenna in accordance with a second communication standard. (col. 26, lines 8-53, col. 5, lines 27-51, and col. 6, lines 29-54)

Regarding claims 2 [14], Tom meets the limitation: A communications module according to claim 1 [13], wherein said first communication standard uses a first frequency band. (col. 11, lines 25-48)

Art Unit: 2684

Regarding claim 4 [16], Tom meets the limitation – a communication module according to claim 1 [13] where the second communication standard uses a second frequency band. (col. 11, lines 25-48 – the replaceable cartridge will handle different frequencies with the other handset components remaining the same)

Regarding claim 5 [17], Tom meets the limitation: A communications module according to claim 1 [13], wherein said first section and said second section are electrically connected via respective mating connecting members. (col. 19, lines 9-38)

Regarding claims 9, 10, 21, and 22, Tom meets limitation since the second module is a wireless telephone with RF, IF, and baseband sections inherent in the designs. (col. 26, lines 8-53 and col. 28, lines 20-59)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 11, 12, 18-20, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tom, in view of background discussions within Applicant's Specification.

Regarding claims 6 and 18, Tom discloses a wireless communication system including flexible wireless handsets and modular components selected for operation within multiples system and having multiple protocols (col. 11, lines 25-48). Tom doesn't specifically state the use of a MAC processing system and a physical layer processing system.

However, the examiner takes Official notice that it is well known to utilize physical layer processing and that a MAC processor is an embedded multi-function processor engine related to a variety of tasks associated with wireless communications and that modems may be used with wireless devices it would have been obvious to modify Tom to include a MAC processor to utilize similar function with different technology telephones. Further, in applicant's response, applicant admits that cellular telephones typically have both MAC processing and physical layer processing.

Regarding claims 7 [19], Tom meets the limitation – A communication module according to claim 6 [18], wherein said first section includes at least one memory device. (col. 29, lines 18-60)

Regarding claims 8 and 20, Tom meets the limitation A communication module according to claim 6, wherein said first section includes a second connecting member for electrically connecting said first section with a host processor. (col. 6, lines 45-54)

Art Unit: 2684

Regarding claims 11 and 23, the examiner takes Official Notice that zero IF mobile devices are well known in the art and that it would have been obvious for Tom to include such devices as attachments as an accommodation to a broad line of cartridge devices to mate with.

Regarding claims 12 and 24, the examiner takes Official Notice that it is well known to include LNA or other amplifiers in LAN adapter and that it would have been obvious for the cartridge circuitry of Tom to include such amplifiers as they reduce system noise.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached

Art Unit: 2684

between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

*Alan T. Gantt*

Alan T. Gantt

March 2, 2005

*Nick Corsaro*

**NICK CORSARO  
PRIMARY EXAMINER**